

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

| | | |
|-------------------------|---|-------------------------------|
| _____ |) | |
| BENJAMIN FONKEM, |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | |
| |) | Civil Action No. 04-10754-EFH |
| DEAN O'MALLEY AND |) | |
| TIMOTHY AHERN, in their |) | |
| individual capacities, |) | |
| Defendants. |) | |
| _____ |) | |

JOINT STATEMENT AND PROPOSED DISCOVERY SCHEDULE

I. Pre-Discovery Disclosures

The parties have already provided automatic discovery in accordance with Fed.R.Civ.P. 26(a)(1).

II. Discovery Plan

The parties jointly propose to the court the following discovery plan:

1. The parties will serve interrogatories and requests for production of documents by November 30, 2004.
2. Plaintiff will depose the two defendant officers and the Defendants will depose the plaintiff by March 30, 2005.
3. The parties request a status conference in April 2005 to consider referral to mediation and to determine if further discovery will be necessary.

III. Certifications

The parties have filed their respective certifications required by L.R. 16.1.

RESPECTFULLY SUBMITTED,
For the plaintiff:

/s/ Howard Friedman

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CERTIFICATE OF SERVICE

I certify that on this day a true copy of the above document was served upon the attorney of record for each party by mail / by hand.

Date: 11/1/2004 /s/ Howard Friedman